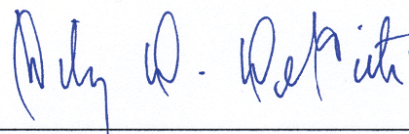


KELLY RATZLAFF,)
)
Plaintiff,)
)
vs.) Case No. CIV-18-477-D
)
BOARD OF COUNTY COMMISSIONERS)
OF CADDO COUNTY, OKLAHOMA, *et al.*,)
)
Defendants.)

Before the Court is Defendant Board of County Commissioners’ Motion to Dismiss Plaintiff’s Complaint [Doc. No. 9], filed pursuant to Fed. R. Civ. P. 12(b)(6). In response, Plaintiff has timely filed an amended pleading as authorized by Fed. R. Civ. P. 15(a)(1)(B). The First Amended Complaint [Doc. No. 11] “supersedes the original and renders it of no legal effect.” *Davis v. TXO Prod. Corp.*, 929 F.2d 1515, 1517 (10th Cir. 1991) (internal quotation omitted); *see Predator Int’l, Inc. v. Gamo Outdoor USA, Inc.*, 793 F.3d 1177, 1180-81 (10th Cir. 2015); *Mink v. Suthers*, 482 F.3d 1244, 1254 (10th Cir. 2007). Thus, Defendant’s Motion is moot.

IT IS THEREFORE ORDERED that Defendant Board of County Commissioners' Motion to Dismiss [Doc. No. 9] is DENIED without prejudice to resubmission, if appropriate, in response to the First Amended Complaint.

IT IS SO ORDERED this 28th day of June, 2018.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE